UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/777
8 October 1997

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling the statements of its President of 27 May 1997 (S/PRST/1997/29), 11 July 1997 (S/PRST/1997/36) and 6 August 1997 (S/PRST/1997/42) condemning the military coup in Sierra Leone,

Taking note of the decision of the thirty-third summit of the Organization of African Unity (OAU) held in Harare, Zimbabwe, from 2 to 4 June 1997 concerning the situation in Sierra Leone,

Taking note also of the Communique issued at the meeting of the Foreign Ministers of the Economic Community of West African States (ECOWAS) on Sierra Leone, held in Conakry, Guinea on 26 June 1997 (S/1997/499), the Declaration of the ECOWAS Committee of Four Foreign Ministers on Sierra Leone (the ECOWAS Committee) of 30 July 1997 (S/1997/646), and the final Communique of the summit of ECOWAS held at Abuja on 28 and 29 August 1997 and the Decision on sanctions against the military junta in Sierra Leone issued at the summit (S/1997/695, Annexes I and II),

Taking note also of the Secretary-General's letter of 7 October 1997 (S/1997/776),

Expressing its full support and appreciation for the mediation efforts of the ECOWAS Committee,

Reaffirming its view that the Abidjan Agreement (S/1996/1034) continues to serve as a viable framework for peace, stability and reconciliation in Sierra Leone,

Deploring the fact that the military junta has not taken steps to allow the restoration of the democratically-elected Government and a return to constitutional order,

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Gravely concerned at the continued violence and loss of life in Sierra Leone following the military coup of 25 May 1997, the deteriorating humanitarian conditions in that country, and the consequences for neighbouring countries,

Determining that the situation in Sierra Leone constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Demands that the military junta take immediate steps to relinquish power in Sierra Leone and make way for the restoration of the democratically-elected Government and a return to constitutional order;

2. Reiterates its call upon the junta to end all acts of violence and to cease all interference with the delivery of humanitarian assistance to the people of Sierra Leone;

3. Expresses its strong support for the efforts of the ECOWAS Committee to resolve the crisis in Sierra Leone and encourages it to continue to work for the peaceful restoration of the constitutional order, including through the resumption of negotiations;

4. Encourages the Secretary-General, through his Special Envoy, in cooperation with the ECOWAS Committee, to assist the search for a peaceful resolution of the crisis and, to that end, to work for a resumption of discussions with all parties to the crisis;

5. Decides that all States shall prevent the entry into or transit through their territories of members of the military junta and adult members of their families, as designated in accordance with paragraph 10 (f) below, provided that the entry into or transit through a particular State of any such person may be authorized by the Committee established by paragraph 10 below for verified humanitarian purposes or purposes consistent with paragraph 1 above, and provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

6. Decides that all States shall prevent the sale or supply to Sierra Leone, by their nationals or from their territories, or using their flag vessels or aircraft, of petroleum and petroleum products and arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territory;

7. Decides that the Committee established by paragraph 10 below may authorize, on a case-by-case basis under a no-objection procedure:

(a) applications by the democratically-elected Government of Sierra Leone for the importation into Sierra Leone of petroleum or petroleum products; and

(b) applications by any other government or by United Nations Agencies for the importation of petroleum or petroleum products into Sierra Leone

for verified humanitarian purposes, or for the needs of the Military Observer Group of ECOWAS (ECOMOG),

subject to acceptable arrangements for effective monitoring of delivery;

8. Acting also under Chapter VIII of the Charter of the United Nations, authorizes ECOWAS, cooperating with the democratically-elected Government of Sierra Leone, to ensure strict implementation of the provisions of this resolution relating to the supply of petroleum and petroleum products, and arms and related matériel of all types, including, where necessary and in conformity with applicable international standards, by halting inward maritime shipping in order to inspect and verify their cargoes and destinations, and calls upon all States to cooperate with ECOWAS in this regard;

9. Requests ECOWAS to report every 30 days to the Committee established under paragraph 10 below on all activities undertaken pursuant to paragraph 8 above;

10. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) to seek from all States further information regarding the action taken by them with a view to implementing effectively the measures imposed by paragraphs 5 and 6 above;

(b) to consider information brought to its attention by States concerning violations of the measures imposed by paragraphs 5 and 6 above and to recommend appropriate measures in response thereto;

(c) to make periodic reports to the Security Council on information submitted to it regarding alleged violations of the measures imposed by paragraphs 5 and 6 above, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

(d) to promulgate such guidelines as may be necessary to facilitate the implementation of the measures imposed by paragraphs 5 and 6 above;

(e) to consider and decide expeditiously requests for the approval of imports of petroleum and petroleum products in accordance with paragraph 7 above;

(f) to designate expeditiously members of the military junta and adult members of their families whose entry or transit is to be prevented in accordance with paragraph 5 above;

(g) to examine the reports submitted pursuant to paragraphs 9 above and 13 below;

(h) to establish liaison with the ECOWAS Committee on the implementation of the measures imposed by paragraphs 5 and 6 above;

11. Calls upon all States and all international and regional organizations to act strictly in conformity with this resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any licence or permit granted prior to the entry into force of the provisions set out in paragraphs 5 and 6 above;

12. Requests the Secretary-General to provide all necessary assistance to the Committee established by paragraph 10 above and to make the necessary arrangements in the Secretariat for this purpose;

13. Requests States to report to the Secretary-General within 30 days of the date of adoption of this resolution on the steps they have taken to give effect to the provisions set out in paragraphs 5 and 6 above;

14. Requests all those concerned, including ECOWAS, the United Nations and other international humanitarian agencies, to establish appropriate arrangements for the provision of humanitarian assistance and to endeavour to ensure that such assistance responds to local needs and is safely delivered to, and used by, its intended recipients;

15. Urges all States, international organizations and financial institutions to assist States in the region to address the economic and social consequences of the influx of refugees from Sierra Leone;

16. Requests the Secretary-General to submit an initial report to the Council within 15 days of the adoption of this resolution on compliance with paragraph 1 above, and thereafter every 60 days after the date of adoption of this resolution on its implementation and on the humanitarian situation in Sierra Leone;

17. Decides, if the measures set out in paragraphs 5 and 6 above have not been terminated in accordance with paragraph 19 below, to conduct, 180 days after the adoption of this resolution and on the basis of the most recent report of the Secretary-General, a thorough review of the application of these measures and of any steps taken by the military junta to comply with paragraph 1 above;

18. Urges all States to provide technical and logistical support to assist ECOWAS to carry out its responsibilities in the implementation of this resolution;

19. Expresses its intention to terminate the measures set out in paragraphs 5 and 6 above when the demand in paragraph 1 above has been complied with;

20. Decides to remain seized of the matter.

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LETTER DATED 6 OCTOBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith a letter dated 6 October 1997 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the continuing difficulties and obstacles impeding proper implementation of Security Council resolution 986 (1995), the memorandum of understanding and the work of the Security Council Committee established by resolution 661 (1990).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Letter dated 6 October 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

In view of the importance of your role and your direct responsibility for the implementation of the memorandum of understanding signed by Iraq and the United Nations, I have ensured that you have been kept abreast of developments in the implementation of the memorandum and in the related work of the Security Council Committee established by resolution 661 (1990).

At the time of writing, four whole months have elapsed in addition to the six months stipulated for the first phase of the memorandum. The food, medicine and other humanitarian needs included in the procurement and distribution plan signed by the Secretary-General, implementation of which began on 8 December 1996, were all supposed to have arrived in Iraq within the agreed period of six months. During this same period Iraq, for its part, strictly observed its obligation to supply the amount of petroleum agreed upon for the first phase. Nevertheless, the current situation, four whole months after the period specified for the implementation of the first phase, is the following:

Forty-three applications to export goods to Iraq are on hold in the Security Council Committee established by resolution 661 (1990), as a result of the unjustified stance of the United States of America;

Thirty-six export applications have also been blocked by the United States of America for the same reason.

Furthermore, the secretariat of the Committee still has scores of applications that it has yet to circulate to its members for discussion. It shows no interest in accelerating action on these applications.

Ten whole months have elapsed and the eleventh is in progress, and we still do not know the fate of some of the applications submitted to the Security Council Committee established by resolution 661 (1990). Some applications still awaiting consideration were submitted more than eight months ago. They include an application to export spare parts and other requisites for the functioning of the Iraq-Turkey oil pipeline. The Security Council Committee has not yet seen fit to discuss this important application, despite the fact that it was specifically mentioned in the procurement and distribution plan and in the memorandum of understanding because of its importance for enabling the pipeline to function and Iraq to fulfil its obligations.

Such an unjustified delay can only be intentional. I call upon you to provide an explanation for it and to examine its causes. I should like you to know that, were it not for the exceptional and unparalleled efforts of the Iraqi technical and engineering staff, the Iraq-Turkey pipeline would not now be working as well as it is. If the pipeline fails for technical reasons, how will this affect the obligations of Iraq? Who will bear responsibility for the results of such failure: Iraq or the Security Council Committee and its secretariat?

On behalf of the Iraqi Government, I ask you to use your authority to intervene directly in the implementation of the memorandum of understanding signed by Iraq and the United Nations and to ensure early approval of the application to export essential components for the Iraq-Turkey oil pipeline and other export applications, such as those for emergency vehicles, vehicles needed to transport foodstuffs to every governorate in Iraq, spare parts for electric power plants, sanitation supplies and supplies for the agricultural and education sectors.

I reiterate my request that you play your part and use your good offices to set a reasonable and acceptable term for the implementation of the first phase of the memorandum of understanding. It is quite apparent that the delay sought by the United States of America has been achieved, that difficulties and obstacles have indeed been created and that the orderly delivery of humanitarian supplies to Iraq has been disrupted, since such supplies have not been systematically distributed to the Iraqi people.

We are still awaiting a solution to a further matter, namely, the methods used to implement the memorandum of understanding, and also the working practices of the Security Council Committee established by resolution 661 (1990), since these clearly demonstrate many deficiencies. Unfortunately, one party has gained control over the work of the Committee and it is this party that determines the fate of export applications in order to suit its political purposes. This situation is unacceptable and constitutes a flagrant violation of the memorandum of understanding and of Security Council resolution 986 (1995), which was said to serve a humanitarian purpose, being intended to provide the people of Iraq with food, medicine and other humanitarian supplies.

We implore you to fulfil your responsibilities and to settle this matter expeditiously, in order to put us in a better position with regard to the implementation of the second phase of the memorandum of understanding.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq